

CUSTOMER NO.: 24498
Serial No.: 10/538,156
Office Action dated: 08/26/08
Response dated: 11/11/08

PATENT
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Remarks/Arguments

Claims 1-14 are pending in this application, and are rejected in the Office Action of August 26, 2008. Claims 1-14 are amended herein to more particularly point out and distinctly claim the subject matter Applicants regard as the invention. No new matter is believed to be introduced by the amendments presented herein.

Re: Objection to Claim 8

Claim 8 is objected to because of cited informalities. To rectify this matter, claim 8 is amended herein to address each of the issues raised by the Examiner. In view of this amendment, withdrawal of the objection is respectfully requested.

Re: Rejection of Claims 1-3 and 5

Claims 1-3 and 5 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0078029 by Pachet (hereinafter, "Pachet") in view of U.S. Patent No. 6,928,433 issued to Goodman et al. (hereinafter, "Goodman"), and further in view of U.S. Patent No. 7,296,031 issued to Platt et al. (hereinafter, "Platt"). Applicants respectfully traverse this rejection for at least the following reasons.

At the outset, Applicants note that one of the problems addressed by the present invention relates to how a user selectable parameter associated with playlist entries corresponding to either a single song or a plurality of songs is visually represented to a user. The proposed solution to this problem is defined by amended independent claim 1, for example, as follows:

"A method for displaying information using a digital audio player, comprising the steps of:

'reading a playlist selected by a user;

'enabling a display of one or more entries included in said playlist on a display device associated with said digital audio player, each of said one or more entries corresponding to one of a single song and a plurality of songs and having a visual indicator that indicates whether a user selectable parameter associated with said entry is in one of a first state, a second state and a third state, and wherein:

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'said user selectable parameter is in said first state if said entry corresponds to said single song and said single song has been selected by the user;

'said user selectable parameter is in said first state if said entry corresponds to said plurality of songs and all of said plurality of songs have been selected by the user;

'said user selectable parameter is in said second state if said entry corresponds to said single song and said single song has not been selected by the user;

'said user selectable parameter is in said second state if said entry corresponds to said plurality of songs and none of said plurality of songs have been selected by the user; and

'said user selectable parameter is in said third state if said entry corresponds to said plurality of songs and at least one, but not all, of said plurality of songs has been selected by the user."

As indicated above, amended independent claim 1 defines an aspect of the present invention that includes displaying one or more entries included in a playlist. Each of the entries corresponds to either a single song or a plurality of songs and has a visual indicator that indicates whether a user selectable parameter associated with the entry is in a first state (picked), a second state (not picked) or a third state (partially picked). According to the present invention, the user selectable parameter is: (i) in the first state if the entry corresponds to a single song which has been selected by the user; (ii) in the first state if the entry corresponds to a plurality of songs and all of those songs have been selected by the user; (iii) in the second state if the entry corresponds to a single song which has not been selected by the user; (iv) in the second state if the entry corresponds to a plurality of songs and none of those songs have been selected by the user; and (v) in the third state if the entry corresponds to a plurality of songs and at least one, but not all, of those songs has been selected by the user. Support for this amendment can be found, for example, at page 14, lines 4-21 and FIGS. 5B to 5D of Applicants' specification.

Neither Pachet nor Goodman nor Platt, whether taken individually or in combination, teaches or suggests the solution defined by amended independent claim 1. The primary reference, Pachet, discloses an apparatus and method

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capable of producing personalized sequences of music titles based on user feedback. An example of such a personalized sequence of music titles is shown in FIG. 7 of Pachet. Applicants note, however, that Pachet fails to disclose or suggest the type of playlist display defined by amended independent claim 1 recited above, an example of which is shown in FIGS. 5B to 5D of the instant application. As such, Pachet fails to disclose or suggest the solution defined by amended independent claim 1.

Goodman and Platt fail to remedy the deficiencies of Pachet. In particular, Goodman discloses a method for operating a portable music playback device that automatically files tracks according to hierarchical structure of categories to organize tracks in a logical order. Platt discloses a system for generating a list that includes a seed item input subsystem, an item identifying subsystem, a descriptive metadata similarity determining subsystem and a list generating subsystem that builds the list based, at least in part, on similarity processing performed on seed item descriptive metadata, user item descriptive metadata, and user selected thresholds applied to such similarity processing. However, like Pachet, neither Goodman nor Platt discloses or suggests the solution defined by amended independent claim 1.

Accordingly, for at least the foregoing reasons, Applicants submit that claims 1-3 and 5 are patentable over the proposed combination of Pachet, Goodman and Platt, and withdrawal of the rejection is respectfully requested.

Re: Rejection of Claim 4

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Pachet in view of Goodman, further in view of Platt, and further in view of U.S. Patent No. 5,086,345 issued to Nakane et al. (hereinafter, "Nakane"). Applicants respectfully traverse this rejection since Nakane is unable to remedy the deficiencies of the Pachet/Goodman/Platt combination pointed out above in conjunction with independent claim 1, from which claim 4 ultimately depends. Accordingly, withdrawal of the rejection is respectfully requested.

Re: Rejection of Claim 6

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Pachet in view of Goodman, further in view of Platt, and further in view of U.S.

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Patent Publication No. 2002/0052885 by Levy (hereinafter, "Levy"). Applicants respectfully traverse this rejection since Levy is unable to remedy the deficiencies of the Pachtet/Goodman/Platt combination pointed out above in conjunction with independent claim 1, from which claim 6 depends. Accordingly, withdrawal of the rejection is respectfully requested.

Re: Rejection of Claim 7

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Pachtet in view of Goodman, further in view of Platt, and further in view of U.S. Patent Publication No. 2002/0103796 by Hartley (hereinafter, "Hartley"). Applicants respectfully traverse this rejection since Hartley is unable to remedy the deficiencies of the Pachtet/Goodman/Platt combination pointed out above in conjunction with independent claim 1, from which claim 7 depends. Accordingly, withdrawal of the rejection is respectfully requested.

Re: Rejection of Claims 8 and 11

Claims 8 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Goodman in view of Nakane, and further in view of Platt. Applicants respectfully traverse this rejection for at least the following reasons.

As indicated above in conjunction with independent claim 1, one of the problems addressed and solved by the present invention relates to how a user selectable parameter associated with playlist entries corresponding to either a single song or a plurality of songs is visually represented to a user. The solution to this problem is defined by amended independent claim 8, for example, as follows:

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"A digital audio player, comprising:

'a storage device;

'a user input device for allowing a user to select a playlist for display;

'a display device; and

'a controller coupled to the storage device, the user input device, and the display device, the controller being operative to read said playlist selected by the user from said storage device and enable a display of one or more entries included in said playlist on said display device, each of said one or more entries corresponding to one of a single song and a plurality of songs and having a visual indicator that indicates whether a user selectable parameter associated with said entry is in one of a first state, a second state and a third state, and wherein:

'said user selectable parameter is in said first state if said entry corresponds to said single song and said single song has been selected by the user;

'said user selectable parameter is in said first state if said entry corresponds to said plurality of songs and all of said plurality of songs have been selected by the user;

'said user selectable parameter is in said second state if said entry corresponds to said single song and said single song has not been selected by the user;

'said user selectable parameter is in said second state if said entry corresponds to said plurality of songs and none of said plurality of songs have been selected by the user; and

'said user selectable parameter is in said third state if said entry corresponds to said plurality of songs and at least one, but not all, of said plurality of songs has been selected by the user."

As indicated above, amended independent claim 8 (like amended independent claim 1) also defines an aspect of the present invention that includes displaying one or more entries included in a playlist. Each of the entries corresponds to either a single song or a plurality of songs and has a visual indicator that indicates whether a user selectable parameter associated with the entry is in a first state (picked), a second state (not picked) or a third state (partially picked).

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According to the present invention, the user selectable parameter is: (i) in the first state if the entry corresponds to a single song which has been selected by the user; (ii) in the first state if the entry corresponds to a plurality of songs and all of those songs have been selected by the user; (iii) in the second state if the entry corresponds to a single song which has not been selected by the user; (iv) in the second state if the entry corresponds to a plurality of songs and none of those songs have been selected by the user; and (v) in the third state if the entry corresponds to a plurality of songs and at least one, but not all, of those songs has been selected by the user. Support for these amendments can be found, for example, at page 14, lines 4-21 and FIGS. 5B to 5D of Applicants' specification.

Neither Goodman nor Nakane nor Platt, whether taken individually or in combination, teaches or suggests the solution defined by amended independent claim 8. The primary reference, Goodman, discloses a method for operating a portable music playback device that automatically files tracks according to hierarchical structure of categories to organize tracks in a logical order. Applicants note, however, that Goodman fails to disclose or suggest the type of playlist display defined by amended independent claim 8 recited above, an example of which is shown in FIGS. 5B to 5D of the instant application. As such, Goodman fails to disclose or suggest the solution defined by amended independent claim 8.

Nakane and Platt fail to remedy the deficiencies of Goodman. In particular, Nakane discloses a method of operating a still video camera for transferring track information from a playback device to the still vide camera. Platt discloses a system for generating a list that includes a seed item input subsystem, an item identifying subsystem, a descriptive metadata similarity determining subsystem and a list generating subsystem that builds the list based, at least in part, on similarity processing performed on seed item descriptive metadata, user item descriptive metadata, and user selected thresholds applied to such similarity processing. However, like Goodman, neither Nakane nor Platt discloses or suggests the solution defined by amended independent claim 8.

Accordingly, for at least the foregoing reasons, Applicants submit that claims 8 and 11 are patentable over the proposed combination of Goodman, Nakane and Platt, and withdrawal of the rejection is respectfully requested.

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Re: Rejection of Claims 9-10 and 12

Claims 9-10 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Goodman in view of Nakane, further in view of Platt, and further in view of Pachet. Applicants respectfully traverse this rejection since Pachet is unable to remedy the deficiencies of the Goodman/Nakane/Platt combination pointed out above in conjunction with independent claim 8, from which claims 9-10 and 12 ultimately depend. Accordingly, withdrawal of the rejection is respectfully requested.

Re: Rejection of Claim 13

Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Goodman in view of Nakane, further in view of Platt, and further in view of Levy. Applicants respectfully traverse this rejection since Levy is unable to remedy the deficiencies of the Goodman/Nakane/Platt combination pointed out above in conjunction with independent claim 8, from which claim 13 depends. Accordingly, withdrawal of the rejection is respectfully requested.

Re: Rejection of Claim 14

Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Goodman in view of Nakane, further in view of Platt, and further in view of Hartley. Applicants respectfully traverse this rejection since Hartley is unable to remedy the deficiencies of the Goodman/Nakane/Platt combination pointed out above in conjunction with independent claim 8, from which claim 14 depends. Accordingly, withdrawal of the rejection is respectfully requested.

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Conclusion

In view of the foregoing remarks/arguments and accompanying amendments, the Applicants believe this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled. No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account No. 07-0832.

Respectfully submitted,
NEWTON GALILEO GUILLEN ET AL.

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